

AMENDED IN ASSEMBLY JUNE 24, 2010
AMENDED IN ASSEMBLY SEPTEMBER 4, 2009
AMENDED IN ASSEMBLY JULY 1, 2009
AMENDED IN ASSEMBLY JUNE 8, 2009
AMENDED IN SENATE APRIL 14, 2009
AMENDED IN SENATE MARCH 26, 2009

SENATE BILL

No. 211

Introduced by Senator Simitian
(Principal coauthor: ~~Assembly Member Monning~~)
(Coauthor: ~~Assembly Member Caballero~~)

February 23, 2009

An act to amend ~~Section 5514 of, and to add Section 5506.14 to, the Public Resources Code, relating to parks and recreation. Sections 3311, 10730, 10731, 10733, and 10734 of, and to add Section 10735 to, the Elections Code, relating to elections.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 211, as amended, Simitian. ~~Park district formation: County of Santa Cruz. Elections: special elections.~~

Existing federal law requires a special election for the office of Representative in Congress whenever the Speaker of the House of Representatives announces that more than 100 vacancies exist in the United States House of Representatives. Existing federal law requires the special election to take place within 49 days of the Speaker announcing the vacancy, unless a special or regular election to fill the vacancy is previously scheduled and will take place within 75 days of

the Speaker's announcement. Existing federal law requires state elections officials, to the extent practicable, to transmit absentee ballots for the special election to uniformed services voters and overseas voters within 15 days of the Speaker's announcement. Those ballots must be returned to the appropriate elections official within 45 days of transmittal of the ballots by the elections official in order to be counted.

Existing California law requires the Governor to issue a proclamation calling a special election for the office of Representative in Congress within 7 calendar days of a catastrophe, which is defined as an event that causes the vacancy of at least $\frac{1}{4}$ of the total number of offices in the United States House of Representatives, including any number of the offices representing California, or at least $\frac{1}{4}$ of the total number of offices representing California. Existing California law requires that the special election occur at least 56 days, but not more than 63 days, following the issuance of the Governor's proclamation. Existing law requires the ballots of uniformed services and overseas voters to be returned to the appropriate elections official by 8 p.m. on the day of a federal election in order to be counted.

This bill would conform California law to federal law. The bill would require the Governor to call a special election for the office of Representative in Congress whenever vacancies exist in the United States House of Representatives totaling at least 101 in number, at least one of which represents California. The bill would require that the special election take place not later than 49 days after the announcement of the vacancy by the Speaker of the House of Representatives or the Governor calling the special election. This bill would require that the ballots of uniformed services and overseas voters for the special election be returned to the appropriate elections officials within 45 days of the transmittal of the ballots by the elections officials in order to be counted.

Because the bill would require a higher level of service from local elections officials, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law generally authorizes the formation of a district by a petition requesting the creation and maintenance of a district, describing the exterior boundaries, signed by at least 5,000 electors residing within the territory proposed to be included in the district, and presented to the board of supervisors of the county containing the largest area within the proposed district.~~

~~Existing law also authorizes proceedings for the formation of a regional park district, regional park and open-space district, or regional open-space district in specified counties of the state to be initiated by resolution of the county board of supervisors adopted after a noticed hearing, and specifies the contents of the resolution, in lieu of the petition and related proceedings required under the above provisions.~~

~~This bill, in addition, would authorize the formation of a district in the County of Santa Cruz, except as specified, if the exterior boundaries of the proposed district are coterminous with the exterior boundaries of the county and are initiated by a specified resolution of the county board of supervisors, after a hearing noticed in accordance with specified procedures, in lieu of the petition and related proceedings required under the above provisions.~~

~~This bill would require the district to establish a citizen advisory committee composed of 9 members representing specified interests, communities, and geographic areas to provide broad-based citizen input into the operation of the district. The bill would require the committee to provide advice and recommendations on specified matters. The district board of directors would be required to respond, in writing, to approved committee recommendations on matters related to expenditure plans and acquisition programs. The bill would subject the acquisition, by the board of directors, of property within the City of Watsonville's 25-year urban growth area boundary to the approval of the city council of that city.~~

~~The bill would also require the resolution to call and give notice of an election to be held in the proposed district and would authorize the county counsel to prepare the ballot label for that election.~~

~~Vote: majority. Appropriation: no. Fiscal committee: no-yes. State-mandated local program: no-yes.~~

The people of the State of California do enact as follows:

1 *SECTION 1. Section 3311 of the Elections Code is amended*
2 *to read:*

3311. ~~All~~ Except as provided in Section 10735, all vote by mail ballots cast pursuant to this chapter shall be received by the county elections official not later than 8 p.m. on the day of a federal election.

SEC. 2. Section 10730 of the Elections Code is amended to read:

10730. (a) This chapter provides the procedures for nomination and election of candidates at a special election to fill vacancies in the House of Representatives caused by a catastrophe.

(b) The procedures provided by Chapter 1 (commencing with Section 10700) shall apply to special elections to the extent those provisions are not inconsistent with this chapter or Section 8 of Title 2 of the United States Code.

SEC. 3. Section 10731 of the Elections Code is amended to read:

10731. For purposes of this chapter, the following terms have the following meanings:

(a) “Catastrophe” means a natural or man-made event that causes a vacancy in at least ~~one-fourth~~ 101 of the ~~total number of~~ offices of the United States House of Representatives, including ~~any number at least one of the~~ offices representing California, or at least one-fourth of the total number of offices representing California.

(b) “Vacancy” means the death or disappearance, as a result of a catastrophe, of a Representative in Congress.

(c) “Disappearance” means the inability to establish conclusively whether a Representative in Congress has survived a catastrophe.

SEC. 4. Section 10733 of the Elections Code is amended to read:

10733. (a) In the event of a catastrophe, a special election to fill a vacancy in the office of Representative in Congress shall be conducted on a Tuesday ~~at least 56 days, but not more than 63~~ 49 days; following the announcement of the vacancy by the Speaker of the United States House of Representatives pursuant to subsection (b) of Section 8 of Title 2 of the United States Code. If the Speaker of the United States House of Representatives does not announce the vacancy, the special election shall occur on a Tuesday not more than 49 days following the issuance of an election proclamation by the Governor, ~~except that any special election may be conducted within 90 days following the~~

~~proclamation in order that the~~ pursuant to Section 10732 of this code.

(b) The special election may be consolidated with the next regularly scheduled statewide election or local election occurring wholly or partially within the same territory in which the vacancy exists, provided that the voters eligible to vote in the local election comprise at least 50 percent of all the voters eligible to vote on the vacancy and that the election occurs within the time set forth in subdivision (a).

SEC. 5. Section 10734 of the Elections Code is amended to read:

10734. (a) ~~No~~ A special primary election shall not be held for a special general election conducted pursuant to this chapter. Candidates at the special general election shall be nominated in the manner set forth in Chapter 1 (commencing with Section 8000) of Part 1 of Division 8, except that nomination papers shall not be circulated more than 46 days before the special general election, shall be left with the county elections official for examination not less than 32 days before the special general election, and shall be filed with the Secretary of State not less than 28 days before the special general election.

(b) Notwithstanding Section 3001, applications for vote by mail voter ballots may be submitted not more than ~~28~~ 30 days before the special general election, ~~except that Section 3001 shall apply if the special general election is consolidated with a statewide election.~~ Applications received by the elections official prior to the ~~28th~~ 30th day shall not be returned to the sender, but shall be held by the elections official and processed by him or her following the ~~28th~~ 30th day prior to the election in the same manner as if received at that time.

SEC. 6. Section 10735 is added to the Elections Code, to read:

10735. A vote by mail ballot cast pursuant to Chapter 4 (commencing with Section 3300) of Division 3 in a special general election conducted pursuant to this chapter shall be received by the county elections official not later than 45 days after the date on which the elections official transmitted the ballot to the voter.

SEC. 7. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made

pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

~~SECTION 1. The Legislature finds and declares all of the following:~~

~~(a) A countywide special district is needed to strengthen water and land conservation throughout Santa Cruz County by:~~

~~(1) Protecting natural lands, wildlife habitats, and water quality and supply.~~

~~(2) Conserving private, working lands, including farm, ranch, and timber land.~~

~~(3) Stewarding protected lands, and developing and maintaining trails.~~

~~(4) Creating, enhancing, and maintaining neighborhood parks.~~

~~(5) Providing grants to local agencies and organizations to support local responses to climate change, water quality and supply improvement projects, environmental education, and agricultural awareness.~~

~~(b) The establishment of an independent, special district is therefore needed to address conservation challenges faced by Santa Cruz County communities and residents.~~

~~SEC. 2. The Legislature further finds and declares all of the following:~~

~~(a) In May 1998, a broad-based group of residents, representing agricultural, business, environmental, and government representatives, began a planning process for Pajaro Valley and formed a nonprofit group in 1999 to develop a collaborative planning process for the valley.~~

~~(b) The group developed a growth management strategy incorporating land use policies for the Pajaro Valley as an ecological region, including the City of Watsonville and the Green Valley area in Santa Cruz County, and the town of Pajaro in Monterey County, that balances economic interests, environmental resources, and socioeconomic needs for a 25-year period.~~

~~(c) The growth management strategy was endorsed by several environmental, business, labor, and government interests, including the City Council of the City of Watsonville and the Santa Cruz County Board of Supervisors.~~

~~(d) City of Watsonville residents approved Measure U, known as the Orderly Growth and Agricultural Protection Initiative, at the November 5, 2002, general election. That measure preserves~~

~~Pajaro Valley farmland, creates an urban limit line that the City of Watsonville can grow into over the next 25 years, and provides an opportunity for new housing and new jobs within that urban limit line while protecting the local environment.~~

~~(e) Measure U, which establishes a 25-year urban growth boundary closely coterminous with that of the city, was approved in 2002 by the voters of the City of Watsonville in order to protect the environment and provide open-space opportunities in Santa Cruz County. To be consistent with the unique circumstances in the Pajaro Valley and goals of Measure U, any acquisition of property within the 25-year urban growth boundary by an open-space district created pursuant to this act is subject to approval by the City Council of the City of Watsonville.~~

~~SEC. 3. Section 5506.14 is added to the Public Resources Code, to read:~~

~~5506.14. (a) If the exterior boundaries of a proposed district are coterminous with the exterior boundaries of the County of Santa Cruz, except for territory within the boundaries of the Midpeninsula Regional Open Space District on the effective date of this act, proceedings for formation of a district in the County of Santa Cruz may be initiated by resolution of the county board of supervisors, adopted after a hearing noticed in accordance with Section 6064 of the Government Code, in lieu of the petition and related proceedings specified in this article.~~

~~(b) The resolution shall do all of the following:~~

~~(1) Name the proposed district and state the reasons for forming it.~~

~~(2) Describe the methods by which the district will be financed.~~

~~(3) Specify that the proposed district shall be governed by a board of seven directors who shall be elected in accordance with this article.~~

~~(4) Specify that the proposed district shall not have, and may not exercise, the power of eminent domain pursuant to Section 5542, or any other provision of law unless requested by the owner of the land.~~

~~(5) Call and give notice of an election to be held in the proposed district pursuant to subdivision (b) of Section 5514. Formation of the district is not subject to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with Section 56000) of Title 5 of the Government Code).~~

~~(6) Include any other matters necessary to the formation of the district.~~

~~(e) Notwithstanding Section 5518, the county counsel of the County of Santa Cruz may prepare the language in the ballot label for the election to be held pursuant to paragraph (5) of subdivision (b).~~

~~(d) (1) The district formed pursuant to this section shall establish a citizen advisory committee to provide broad-based citizen input into the operation of the district, and advice and recommendations on certain policy and program questions and issues, including expenditure plans and acquisition programs. The committee shall render advice and make recommendations to the board of directors on those matters.~~

~~(2) (A) The committee is composed of nine members, and, except as provided in clauses (i) and (ii), shall be appointed by the board of directors as follows:~~

~~(i) One supervisor appointed by the board of supervisors of the county, or his or her designee.~~

~~(ii) One city council member representing each city in the county appointed by the city council of the city represented, or his or her designee.~~

~~(iii) One member representing the district's agricultural interests.~~

~~(iv) One member representing the district's environmental community.~~

~~(v) One member representing the district's real estate interests.~~

~~(vi) One member representing the district's business community.~~

~~(B) Prior to the appointment of committee members specified in clauses (iii) to (vi), inclusive, of subparagraph (A), the board of directors shall solicit from the community three or more nominations for each of those positions, except that at least three of the nominations for the position specified in clause (iii) of subparagraph (A) shall be made by the county farm bureau consistent with any procedures that may be established by the board of directors.~~

~~(C) Two of the committee member appointments specified in clauses (iii) to (vi), inclusive, of subparagraph (A), shall be residents of southern Santa Cruz County, as described in Section 201 of the Pajaro Valley Water Management Agency Act (Chapter 257 of the Statutes of 1984) except for the property within Monterey County, and two of the committee member appointments~~

1 shall be residents of northern Santa Cruz County, which is the area
2 of Santa Cruz County outside the area described in Section 201 of
3 the Pajaro Valley Water Management Agency Act (Chapter 257
4 of the Statutes of 1984).

5 (3) (A) The board of directors shall respond, in writing, to
6 approved committee recommendations on matters relating to
7 expenditure plans and acquisition programs.

8 (B) Before acting upon a proposed action relating to expenditure
9 plans and acquisition programs, the board of directors shall
10 consider recommendations from the committee and shall have
11 responded to the committee recommendations pursuant to
12 subparagraph (A).

13 (4) The board of directors shall adopt rules of procedure for the
14 committee and establish responsibilities for the committee and its
15 members.

16 (5) The committee shall conduct its meetings in accordance
17 with the Ralph M. Brown Act (Chapter 9 (commencing with
18 Section 54950) of Division 2 of Title 5 of the Government Code).

19 (6) Members of the committee shall submit to the district a
20 statement of economic interest that meets the requirements of
21 disclosure, under Article 2 (commencing with Section 87200) of
22 Chapter 7 of Title 9 of the Government Code.

23 (7) A quorum shall consist of seven members of the committee,
24 and an action shall not be taken without the concurrence of at least
25 a majority of the total committee membership.

26 (e) (1) Acquisition by the district of property within the 25-year
27 urban growth area boundary established by Measure U, known as
28 the Orderly Growth and Agricultural Protection Initiative, as
29 approved by the voters in the November 5, 2002, general election,
30 is subject to approval by the City Council of the City of
31 Watsonville.

32 (2) Not later than 60 days after receiving a notification of intent
33 by the board of directors for the district to acquire specified
34 property within the urban growth area boundary, the city council
35 shall determine whether to approve the acquisition of that property
36 by the district. If a written determination is not made by the city
37 council within 60 days of receiving notification by the board of
38 directors, and the notification includes a statement that it is a
39 notification of intent by the board of directors to acquire property

1 within the urban growth boundary, the acquisition shall be deemed
2 approved by the city council.

3 SEC. 4. ~~Section 5514 of the Public Resources Code is amended~~
4 ~~to read:~~

5 5514. (a) ~~The board of supervisors of the county having the~~
6 ~~largest area within the proposed district shall, if the petition, after~~
7 ~~the hearing, has been approved, in whole or in part, have~~
8 ~~jurisdiction to proceed further with the calling of an election within~~
9 ~~the boundaries of the proposed district as described in the resolution~~
10 ~~passed at the conclusion of the hearing, and shall, either as a part~~
11 ~~of the same resolution or by a later resolution, call an election~~
12 ~~within the proposed district for the purpose of determining whether~~
13 ~~the district shall be created and established and, if necessary, for~~
14 ~~the purpose of electing the first board of directors therefor in case~~
15 ~~the district is created.~~

16 (b) ~~In a district proposed to be formed pursuant to Section~~
17 ~~5506.5, 5506.11, 5506.12, or 5506.14, the resolution calling the~~
18 ~~election may provide for a single ballot measure or separate ballot~~
19 ~~measures on the question of formation, establishment of an~~
20 ~~appropriations limit authorized by Section 4 of Article XIII B of~~
21 ~~the California Constitution, the authority to tax pursuant to Section~~
22 ~~5566, and the authority to sell bonds pursuant to Section 5568, or~~
23 ~~any combination of those questions.~~